

Australian Capital Territory

Planning and Development (Technical Amendment—Denman Prospect) Plan Variation 2023 (No 1)

Notifiable instrument NI2023—306

Technical Amendment No 2023-05

made under the

Planning and Development Act 2007, s 89 (Making technical amendments) and s 96 (Effect of approval of estate development plan)

1 Name of instrument

This instrument is the *Planning and Development (Technical Amendment—Denman Prospect) Plan Variation 2023 (No 1)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Technical amendment

I am satisfied under section 89 (1) (a) of the *Planning and Development Act 2007* (the *Act*) that the Denman Prospect plan variation is a technical amendment to the Territory Plan.

4 Dictionary

In this instrument:

Denman Prospect plan variation means the technical amendment to the Territory Plan, variation 2023-05, in the schedule.

Note No consultation was required in relation to the Denman Prospect plan variation under the Act, s 87.

Freya O'Brien
Delegate of the planning and land authority
20 June 2023



Planning & Development Act 2007

**Technical
Amendment
to the Territory Plan
Variation 2023-05**

Miscellaneous changes to the
Denman Prospect Precinct Map and Code

June 2023

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1. INTRODUCTION

1.1 Purpose

This technical amendment makes the following changes to the Territory Plan:

Denman Prospect Precinct Map and Code

- insert new rule R3A mandating *community activity centre* and *place of worship* within the commercial local centre
- amend rules R11A and R11B to correct references to open space
- insert new rule R11D for courtyard wall provisions
- amend title of Diagrams 1, 2 and 3
- insert new Figure 7C to show where courtyard wall provisions apply in accordance with Rule R11D

1.2 Public consultation

Under section 87 (1) (c) of the *Planning and Development Act 2007* (the **Act**) this type of technical amendment is not subject to public consultation.

1.3 National Capital Authority

The National Capital Authority does not need to be advised of this technical amendment as per 1.2.

1.4 Process

This technical amendment has been prepared in accordance with section 87 and made in accordance with section 89 of the Act.

1.5 Types of technical amendments under the Act

The following categories of technical amendments are provided under section 87 of the Act:

- (1) Each of the following territory plan variations is a **technical amendment** for which no consultation is needed before it is made under section 89:
 - (a) a variation (an **error variation**) that –
 - (i) would not adversely affect anyone’s rights if approved; and
 - (ii) has as its only object the correction of a formal error in the plan;
 - (b) a variation to change the boundary of a zone or overlay under section 90A (Rezoning – boundary changes);
 - (c) a variation, other than one to which subsection (2) (d) applies, in relation to an estate development plan under section 96 (Effect of approval of estate development plan);
 - (d) a variation required to bring the territory plan into line with the national capital plan;
 - (e) a variation to omit something that is obsolete or redundant in the territory plan.
- (2) Each of the following territory plan variations is a **technical amendment** for which only limited public consultation is needed under section 90:
 - (a) a variation (a **code variation**) that –
 - (i) would only change a code; and
 - (ii) is consistent with the policy purpose and policy framework of the code; and
 - (iii) is not an error variation;
 - (b) a variation to change the boundary of a zone under section 90B (Rezoning – development encroaching on adjoining territory land);
 - (c) a variation in relation to a future urban area under section 90C (Technical amendments – future urban areas);
 - (d) a variation in relation to an estate development plan under section 96 (Effect of approval of estate development plan) if it incorporates an ongoing provision that was not included in the plan under section 94 (3) (g);
 - (e) a variation to clarify the language in the territory plan if it does not change the substance of the plan;
 - (f) a variation to relocate a provision within the territory plan if the substance of the provision is not changed.

TA2023-05 has been prepared in accordance with section 87 (1) (a) and (c) of the Act.

2. EXPLANATION

This part of the technical amendment document explains the changes to be made to the Territory Plan.

2.1 Territory Plan

2.2.1 Denman Prospect Precinct Map and Code

Technical amendments TA2022-03 and TA2022-08 removed the future urban area (FUA) overlay from the northern area of Denman Prospect and varied the Denman Prospect Precinct Map and Code in accordance with the approved Estate Development Plan (EDP). Rules R11A and R11B for fencing and courtyard wall provisions were introduced, and each applied to open space. However, the two rules did not distinguish between which rule was to apply. This technical amendment rectifies the omission.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(a) (a) a variation (an <i>error variation</i>) that— (i) would not adversely affect anyone's rights if approved; and (ii) has as its only object the correction of a formal error in the plan;	Compliant. This amendment corrects a formal error in the Denman Prospect Precinct Map and Code by rectifying an omission to specify which fencing provisions apply to urban open space in accordance with the approved EDP.

A provision for section 59 blocks 33, 34 and 35 within the commercial local centre is being added to list *community activity centre* and *place of worship* as mandatory uses, in accordance with the approved EDP.

A provision for courtyard wall requirements was inadvertently omitted when the FUA was removed by technical amendments TA2022-03 and TA2022-08. Therefore, this technical amendment introduces rule R11D and Figure 7C in accordance with the approved EDP.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(c) (c) a variation, other than one to which subsection (2) (d) applies, in relation to an estate development plan under section 96 (Effect of approval of estate development plan);	Compliant. The Denman Prospect Precinct Map and Code is varied to incorporate ongoing block specific provisions that are consistent with the approved EDP.

Diagrams 1, 2 and 3 show examples of how compliance for courtyard walls can be achieved. The titles of the diagrams were not correctly transferred into the Denman Prospect Precinct Map and Code from the approved planning controls plan in the EDP. This technical amendment corrects the titles of the diagrams.

Compliance with the *Planning and Development Act 2007*

Section	Statement
s87(1)(a) (a) a variation (an <i>error variation</i>) that— (i) would not adversely affect anyone’s rights if approved; and (ii) has as its only object the correction of a formal error in the plan;	Compliant. This amendment corrects a formal error in the Denman Prospect Precinct Map and Code by changing the titles of Diagrams 1, 2 and 3 to be consistent with the approved EDP.

3. TECHNICAL AMENDMENT

This section of the technical amendment document provides the actual instructions for implementing the changes to the Territory Plan.

3.1 Denman Prospect Precinct Map and Code

1. Additional rules and criteria, RC1 – Commercial Local Centre, new Element 1.3 Uses and new rule R3A

insert

1.3 Uses	
<p>R3A</p> <p>This rule applies to section 59 blocks 33, 34 and 35 Denman Prospect.</p> <p>The following uses are mandatory:</p> <ul style="list-style-type: none">a) <i>community activity centre</i>b) <i>place of worship</i> <p>The above uses are to have a combined minimum <i>gross floor area</i> of 900m² and must be operated by a not-for-profit organisation.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

2. Additional rules and criteria, RC2 – Residential Area, rule R11A
--

omit

This rule applies to blocks or parcels in locations identified in Figures 7A and 7B.

insert

This rule applies to blocks or parcels addressing urban open space in locations identified in Figures 7A and 7B.

3. Additional rules and criteria, RC2 – Residential Area, rule R11B
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omit

This rule applies to blocks or parcels in locations identified in Figures 7A and 7B.

insert

This rule applies to blocks or parcels fronting open space in locations identified in Figures 7A and 7B.

4. Additional rules and criteria, RC2 – Residential Area, new rule R11D

insert

<p>R11D</p> <p>This rule applies to blocks or parcels in locations identified in Figure 7C except where provisions for courtyard walls have been nominated elsewhere in rule R11 in this precinct code.</p> <p>Courtyard walls are permitted where Principal Private Open Space is located in the front zone.</p> <p>Courtyard walls are to comply with the following:</p> <ul style="list-style-type: none">a) Constructed only of brick, block or stonework, any of which may be combined with feature panelsb) Maximum height of 1.5mc) 0.7m minimum setback from the front boundary to facilitate a planting zone forward from the wall. <p>Where the length of the wall exceeds 6m, it must be articulated by way of an increased setback for a gate and/or an articulated planting zone as follows:</p> <ul style="list-style-type: none">(i) Gate: A pedestrian gate entry must be setback a minimum 1.5m from front boundary(ii) Articulated Planting Zone: An additional increased setback from the wall, of minimum of 1m.	<p>This is a mandatory requirement. There is no applicable criterion.</p>
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5. Additional rules and criteria, RC2 – Residential Area, Diagram 1

omit

Diagram 1 Example of courtyard wall location – articulated planting zone

insert

Diagram 1 Example – Courtyard wall location showing articulated planting zone setback (refer to rule R11D)

6. Additional rules and criteria, RC2 – Residential Area, Diagram 2

omit

Diagram 2 Example of courtyard wall location – terrace home fronting urban open space

insert

Diagram 2 Example – Courtyard wall location showing a home fronting urban open space, with an increased setback for a gate entry (refer to rule R11A)

7. Additional rules and criteria, RC2 – Residential Area, Diagram 3

omit

Diagram 3 Example of courtyard wall location – home fronting urban open space

insert

Diagram 3 Example – Courtyard wall showing a home fronting open space, with an articulated gate entry and planting zone (refer to rule R11B)

8. Additional rules and criteria, new Figure 7C

insert

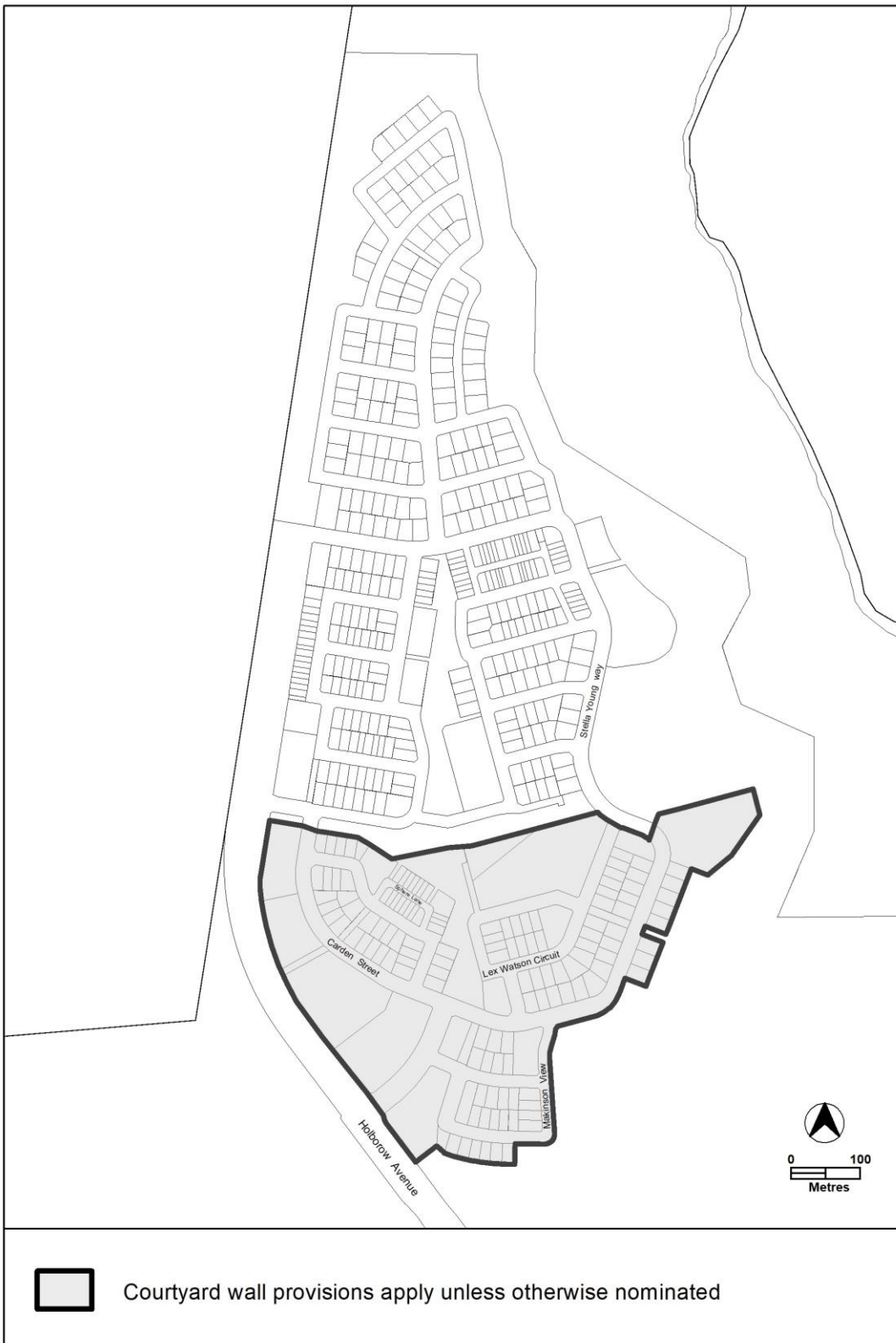


Figure 7C Denman Prospect residential area 9

Interpretation service

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjnuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

131 450

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